

AMENDMENT AND RESPONSE**PAGE 9**

Serial No.: 09/893,047

Filing Date: 6/27/2001

Attorney Docket No. 100.095US02

Title: TELECOMMUNICATION NETWORK WITH VARIABLE ADDRESS LEARNING,
SWITCHING AND ROUTING**REMARKS**

Applicant has reviewed the Office Action mailed on September 14, 2005 as well as the art cited. Claims 1 – 74 are pending in this application.

Affirmation of Election

As provisionally elected by Applicant's representative, Laura A. Ryan, on August 24, 2005, Applicant elects to prosecute the invention of Group 1, Claims 1-40.

The claims of the non-elected invention, claims 41-74, are hereby canceled without prejudice or disclaimer. However, Applicant reserves the right to later file continuations or divisionals having claims directed to the non-elected inventions.

TERMINAL DISCLAIMER

Applicant submits a Terminal Disclaimer along with this Response to overcome the double patenting rejections.

Double Patenting Rejection

Claims 1-40 were rejected under the judicially created doctrine of double patenting over claims 1-9 of U.S. Patent No. 6,331,985.

Claims 1-40 were rejected under the judicially created doctrine of double patenting over claim 1 of U.S. Patent No. 6,154,462. A Terminal Disclaimer in compliance with 37 CFR 1.321(c) is enclosed herewith to overcome these rejections, along with a Credit Card Payment form (PTO-2038) for payment of the terminal disclaimer fee of \$130.

AMENDMENT AND RESPONSE

PAGE 10

Serial No.: 09/893,047

Filing Date: 6/27/2001

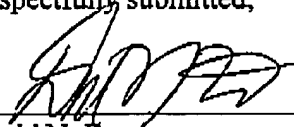
Attorney Docket No. 100.095US02

Title: TELECOMMUNICATION NETWORK WITH VARIABLE ADDRESS LEARNING,
SWITCHING AND ROUTINGCONCLUSION

Applicant respectfully submits that claims 1-40 are in condition for allowance and notification to that effect is earnestly requested. If necessary, please charge any additional fees or credit overpayments to Deposit Account No. 502432.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at 612-455-1680.

Respectfully submitted,

Date: December 14, 2005

David N. Fogg
Reg. No. 35,138

Attorneys for Applicant
Fogg and Associates, LLC
P.O. Box 581339
Minneapolis, MN 55458-1339
T - (612) 332-4720
F - (612) 332-4731